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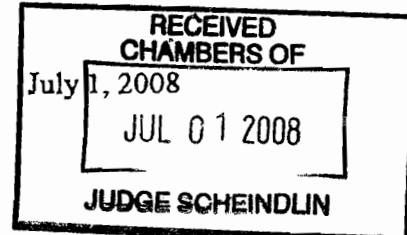
7/2/08

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERALANDREW M. CUOMO
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Litigation Bureau

(212) 416-6185

Via Facsimile (212) 805-7920

The Honorable Shira A. Scheindlin
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: Percinthe v. Julien et al., 08-CV-0893 (SAS)(DFE)

Dear Judge Scheindlin:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York. Defendants Julien, Rhoeme and Grant¹ have received copies of the pleadings² and have requested representation by the Office of the Attorney General.

Previously, my Office requested an extension of time for defendants to respond to the complaint until July 8, 2008. At the time, I had been assigned to the case, but was out of the office recovering from a severe knee injury. Responding by July 8, 2008 will be difficult because it has come to my attention that my Office has not yet received the applicable institutional documents in this case that I need to review before answering or otherwise responding. Accordingly, I am respectfully requesting a short extension to July 16 for the above served defendants to respond with the understanding that the Court has already generously extended their time to respond on a prior occasion. The requested deadline revision should not impact any other deadlines in this case.

In addition, I write with respect to the upcoming July 22 Rule 16 conference scheduled in this matter. I am scheduled to be out of town that week and the next and respectfully request that the conference be rescheduled to a date in August.

Request granted. Defendants' time to respond

To the Complaint is extended to July 16, 2008.

Named defendant Heather Almodoval does not appear to have been served and *No further adjournments*
 has not requested representation. My office has investigated her employment status and it appears that she was a nurse at Fishkill Correctional Facility who left in 2003. Given that *further adjournments*
 plaintiff's Complaint indicates the incident in question occurred in 2007, it appears likely that plaintiff has incorrectly named her as a defendant. *for any reason*

² The Complaint received by the above defendants appears to omit every other page.

To Ordered: Shaffer
1/2/08

I have not sought the consent of incarcerated plaintiff pro se because I wanted to make this request on behalf of defendants Julien, Rhoeme and Grant forthwith. By making this request, I am not waiving any rights that the two defendants not yet served may have, including the right to raise the defense of lack of personal jurisdiction.

We thank the Court for its consideration in this matter.

Respectfully submitted,



Jeb Harben
Assistant Attorney General

cc: Smith Percinthe, pro se plaintiff
03 A 3595
Oneida Correctional Facility
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